

# SMART & BIGGAR

*Intellectual Property & Technology Law*

**To Fax no.:** 1-703-305-8266

**Page 1 of:** 5

**Attention:** EXAMINER VINCENT N. TRANS  
GROUP ART UNIT 2100

P.O. Box 2999, Station D  
55 Metcalfe Street, Suite 900  
Ottawa, Canada K1P 5Y6

Tel.: (613) 232-2486  
Fax: (613) 232-8440

**From:** SMART & BIGGAR

**Your file no.:** 09/749,421

**Date:** January 15, 2003

**Reply to Ottawa file no.:** 77805-31

**Time:**

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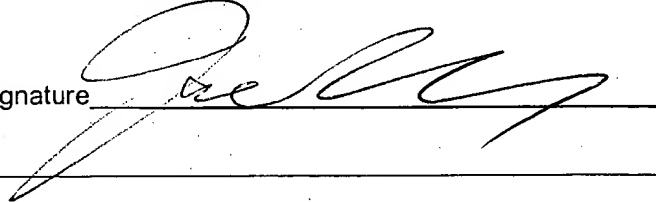
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**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
77805-31

In Re Application Of: **Gordon Larose**

Serial No.  
09/749,421

Filing Date  
December 28, 2000

Examiner  
Vincent N. Trans

Group Art Unit  
2100

Title: **ADAPTIVE SOFTWARE INSTALLATION PROCESS SUPPORTING MULTIPLE LAYERS OF  
SECURITY-RELATED ATTRIBUTES**

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is: **RESPONSE TO DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY**

Further to the Decision On Request For Withdrawal As Attorney and your telephone conversation with Ms. Christine Genge of our office, please find enclosed the following documents:

- 1) newly executed Request For Withdrawal As Attorney Or Agent; and
- 2) a copy of our letter dated December 17, 2002 notifying the Assignee of our Request For Withdrawal ,

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. **19-2550** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Dated: **January 15, 2003**

*Signature*

**James McGraw (Reg. No. 28,168)**  
**SMART & BIGGAR**  
**P.O. Box 2999, Station D**  
**900-55 Metcalfe Street**  
**Ottawa, Ontario**  
**K1P 5Y6 Canada**

613-232-2486

CC:

I certify that this document and fee is being deposited on \_\_\_\_\_ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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2131  
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<h1>TRANSMITTAL FORM</h1> <p><i>(to be used for all correspondence after initial filing)</i></p>	Application Number	09/749,421	
	Filing Date	12/28/00	
	First Named Inventor	GORD LAROSE	
	Art Unit	2131	
	Examiner Name	AREZOO SHERKAT	
Total Number of Pages in This Submission	28	Attorney Docket Number	77805-31 /slb

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ENCLOSURES <i>(check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> 1) New Request for Withdrawal as Attorney Form PTO/SB/83 (1pg) 2) Copy of facsimile submission dated January 15, 2003 (5pgs) 3) Facsimile confirmation dated January 15, 2003 (1pg) <b>SEE REMARKS</b>
Remarks		4) Decision on Request for Withdrawal as Attorney dated December 24, 2002 (2 pgs)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Christine N. Genge (Reg. No. 45,405) SMART & BIGGAR P.O. Box 2999 Station D, 900 - 55 Metcalfe Street, Ottawa, Ontario, K1P 5Y6, Canada
Signature	
Date	July 16, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name			
Signature		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

## SMART & BIGGAR

*Intellectual Property & Technology Law*

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[www.smart-biggar.ca](http://www.smart-biggar.ca)

Christine N. Genge  
[cngenge@smart-biggar.ca](mailto:cngenge@smart-biggar.ca)

Our Refs: 77805-4; -11;  
-29; -30 & -31

COPY

December 17, 2002

Eric Lundstrom  
CEO NetActive LLC  
1333 Butterfield Road  
Suite 130  
Downers Grove, IL 60515  
U.S.A.

### BY FACSIMILE

Confirmation by Mail

Dear Mr. Lundstrom:

Re: United States Patent Application  
Serial No. 08/674037  
Applicant: David I Allan, et al

United States Patent  
Reg No. 6,108,420  
Registrant: NetActive LLC

United States Patent Application  
Serial No. 09/745505  
Applicant: Gord Larose, et al

United States Patent Application  
Serial No. 09/749421  
Applicant: Scott A. Thomson, et al

United States Patent Application  
Serial No. 09/696295  
Applicant: NetActive LLC

---

Our Refs: 77805-4; -11  
-29; -30 & -31

**SMART & BIGGAR**

- 2 -

Please see enclosed copies of "Request for Withdrawal as Attorney or Agent" in respect of the above-noted matters.

Yours very truly,  
SMART & BIGGAR

Christine N. Genge

CNG:sml  
encl.

cc: Mr. E.A. Clarke  
Net Active LLC  
84 Hines Road  
Kanata, ON K2K 3G3

# Confirmation Report - Memory Send

Time : Jan-15-03 13:53  
Tel line : +  
Name : S&B/F&Co,

Job number : 930  
Date : Jan-15 13:36  
To : 17033058266  
Document pages : 05  
Start time : Jan-15 13:50  
End time : Jan-15 13:52  
Pages sent : 05  
Status : OK  
Job number : 930

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**SMART & BIGGAR**  
*Intellectual Property & Technology Law*

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Page 1 of: 5  
Attention: EXAMINER VINCENT N. TRANS  
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Technology Center 2100

77805-31

Paper No. 4

SMART & BIGGAR  
P.O. Box 2999, Station D  
55 Metcalfe Street, Suite 900  
Ottawa, Ontario  
Canada K1P 5Y6

In re Application of: )  
Gordon Larose )  
Application No. 09/749,421 )  
Filed: December 28, 2000 )  
For: ADAPTIVE SOFTWARE )  
INSTALLATION PROCESS )  
SUPPORTING MULTIPLE LAYERS )  
OF SECURITY-RELATED )  
ATTRIBUTES )

**DECISION ON REQUEST FOR  
WITHDRAWAL AS ATTORNEY**

This is a decision on the Request To Withdraw from Representation filed December 13, 2002.

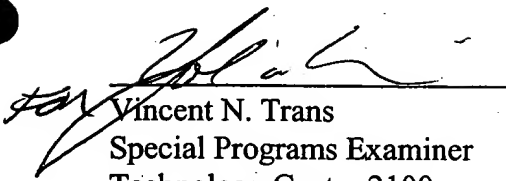
A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. **37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.**

There is no indication that Applicant has been notified of the request for withdrawal. Accordingly, the request is **DENIED**.

All future communications from the United States Patent and Trademark Office (Office) will continue to be directed to the above-listed address until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Office of any change in correspondence address to ensure receipt of all communications from the Office.

*FORWARDED TO PAPA*  
*CNG*

*[Handwritten signature]*

A handwritten signature in black ink, appearing to read "Vincent N. Trans", is written over a horizontal line.

Vincent N. Trans  
Special Programs Examiner  
Technology Center 2100  
Computer Architecture and Software  
(703) 305-9750